

BEFORE THE SOUTH CAROLINA STATE BOARD OF EDUCATION

In the Matter of the Summary)
)
Suspension of the Educator Certificate of)
)
Charles Kaleb Smith,)
)
Certificate 260436)
_____)

**ORDER OF
SUMMARY SUSPENSION**

SUMMARY OF THE CASE

The Chair of the South Carolina State Board of Education (State Board) considered this matter on June 15, 2016. In accordance with S.C. Code Ann. § 1-23-370(c) (2004), § 59-5-10 (2004), and State Board Rule of Governance BBABA, the South Carolina Department of Education (SCDE) requested that the Chair of the State Board summarily suspend the educator certificate of Charles Kaleb Smith, certificate 260436 as a result of an investigation by the South Carolina Law Enforcement Division (SLED) involving an alleged sexual relationship between Mr. Smith and a female sixteen year old high school student. The SCDE has reason to believe that, due to the serious nature of these allegations of misconduct and corroborating evidence that such a relationship existed and that Mr. Smith may pose a threat to the health, safety and welfare of students that may be under his instruction, emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Smith's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

FINDINGS OF FACT

Mr. Smith holds a professional South Carolina educator certificate and has three years of teaching experience. Mr. Smith has been employed as a physical education teacher and boys basketball coach at Starr-Iva Middle School (School) with the Anderson County School District Three (District). Mr. Smith was placed on administrative leave on March 10, 2016, following allegations that he had engaged in a sexual relationship with a sixteen year old female who is a student at a District high school, after meeting her at a middle school basketball game. On March 22, 2016, Mr. Smith resigned from the District.

It is alleged that beginning in January 2016, Mr. Smith began having a sexual relationship with the student. Multiple witness statements taken by SLED reveal that Mr. Smith and the student started the sexual relationship after sending explicit messages to one another via text message or Snapchat. They met at the School field house, Mr. Smith's car, and Mr. Smith's residence. The SCDE has reason to believe that, due to the serious nature of this allegation of misconduct, Mr. Smith may pose a threat to the health,

safety and welfare of students that may be under his instruction and that emergency action is required. After considering the evidence presented by the SCDE, the Chair of the State Board finds that Mr. Smith's educator certificate shall be summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

CONCLUSIONS OF LAW

"The South Carolina Board of Education may, for just cause, either revoke or suspend the certificate of any person." S.C. Code Ann. § 59-25-150 (2004). Just cause includes unprofessional conduct, immorality, and evident unfitness for position for which employed. S.C. Code Ann. § 59-25-160 (2004); 24 S.C. Code Ann. Regs. 43-58 (2011). In accordance with S.C. Code Ann. § 1-23-370(c) (2004), "If the agency finds that the public health, safety or welfare imperatively requires emergency action, and incorporates a finding to that effect in its order, summary suspension of a license may be ordered pending proceedings for revocation or other action." Pursuant to S.C. Code Ann § 59-5-10 (2004) and State Board Rule of Governance BBABA, the Chair of the State Board finds that as a result of the allegations of Mr. Smith's unprofessional conduct, immorality, and evident unfitness for the position for which employed, there is reason to believe that Mr. Smith may pose a threat to the health, safety and welfare of students and that emergency action is required. Accordingly, the educator certificate of Charles Kaleb Smith, certificate 260436, is summarily suspended until a due process hearing is held and/or this matter is otherwise resolved. The SCDE is directed to serve notice on Mr. Smith of the summary suspension, as well as the possible suspension or revocation of his educator certificate.

AND IT IS SO ORDERED.

South Carolina State Board of Education

By: 

Michael R. Brenan, Chair

Columbia, South Carolina
June 15, 2016